

305 U. S.

Decisions Granting Certiorari.

Mr. Welly K. Hopkins, with whom *Solicitor General Jackson*, *Assistant Attorney General McMahon*, and *Mr. William W. Barron* were on the brief, for the United States. Reported below: 97 F. 2d 197.

No. —, original. *EX PARTE ALBERT BLEECKER*. January 16, 1939. Motion for leave to file petition for writ of habeas corpus denied.

No. —, original. *EX PARTE ALBERT LEIGHTON*. January 16, 1939. Motion for leave to file petition for writ of mandamus denied.

No. 277. *LOOMIS ET AL. v. FIRST FEDERAL SAVINGS & LOAN ASSN.* January 16, 1939. The motion to substitute is granted and John E. Martin, present Attorney General of Wisconsin, is substituted as a party petitioner in the place and stead of Orland S. Loomis, former Attorney General of Wisconsin.

DECISIONS GRANTING CERTIORARI, FROM OCTOBER 3, 1938, THROUGH JANUARY 16, 1939.

No. 359. *BOWEN v. JOHNSTON, WARDEN*. On petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit. October 10, 1938. Motion for leave to proceed *in forma pauperis* granted and petition for writ of certiorari granted, limited to the question of the jurisdiction of the District Court on habeas corpus. *Hugh Allen Bowen, pro se*. No appearance for the United States. Reported below: 97 F. 2d 860.

No. 158. *PACIFIC EMPLOYERS INS. CO. v. INDUSTRIAL ACCIDENT COMM'N ET AL.* See *ante*, p. 563.

No. 51. *ARMSTRONG PAINT & VARNISH WORKS v. NU-ENAMEL CORP. ET AL.* October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted. *Messrs. George A. Carpenter and George I. Haight* for petitioner. *Mr. Edward S. Rogers* for respondents. Reported below: 95 F. 2d 448.

No. 55. *McDONALD v. THOMPSON ET AL.* October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted. *Mr. T. S. Christopher* for petitioner. *Mr. William M. McCraw* for respondents. Reported below: 95 F. 2d 937.

No. 57. *MISSOURI EX REL. GAINES v. CANADA, REGISTRAR OF THE UNIVERSITY OF MISSOURI, ET AL.* October 10, 1938. Petition for writ of certiorari to the Supreme Court of Missouri granted. *Messrs. Charles H. Houston and Leon A. Ransom* for petitioner. *Messrs. Fred L. Williams, Fred L. English, and William S. Hogsett* for respondents. Reported below: 342 Mo. 121; 113 S. W. 2d 932.

No. 73. *MINNESOTA v. UNITED STATES.* October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit granted. *Mr. William S. Ervin*, Attorney General of Minnesota, for petitioner. *Solicitor General Jackson, Assistant Attorney General McFarland, and Mr. Warner W. Gardner* for the United States. Reported below: 95 F. 2d 468.

No. 94. *INTER-ISLAND STEAM NAVIGATION Co. v. HAWAII.* October 10, 1938. Petition for writ or certiorari to the Circuit Court of Appeals for the Ninth Circuit granted. *Mr. J. Garner Anthony* for petitioner. *Mr.*

305 U.S.

Decisions Granting Certiorari.

Julius Russell Cades and *Urban Earl Wied* for respondent. Reported below: 96 F. 2d 412.

No. 96. *WHITE ET AL. v. UNITED STATES*; and

No. 97. *WHITE, EXECUTOR, v. UNITED STATES*. October 10, 1938. Petition for writs of certiorari to the Court of Claims granted. *Mr. John P. Ohl* for petitioners. *Acting Solicitor General Townsend*, *Assistant Attorney General Morris*, and *Mr. Sewall Key* for the United States. Reported below: 86 Ct. Cls. 125; 21 F. Supp. 361.

No. 98. *M. E. BLATT CO. v. UNITED STATES*. October 10, 1938. Petition for writ of certiorari to the Court of Claims granted. *Mr. Lawrence Cake* for petitioner. *Acting Solicitor General Townsend*, *Assistant Attorney General Morris*, and *Mr. Sewall Key* for the United States. Reported below: 87 Ct. Cls. 413; 26 F. Supp. 461.

No. 102. *UNITED STATES v. POWERS ET AL.* October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted. *Solicitor General Jackson* for the United States. *Mr. H. T. Burke* for respondents. Reported below: 94 F. 2d 783.

No. 104. *MONTANA EX REL. BOARD OF COUNTY COMMISSIONERS v. BRUCE, COUNTY ASSESSOR, ET AL.* October 10, 1938. Petition for writ of certiorari to the Supreme Court of Montana granted. *Messrs. Edwin S. Booth, Sr.* and *Edwin S. Booth, Jr.* for petitioner. *Messrs. Thomas Dignan*, *Enor K. Matson*, *E. G. Toomey*, *R. S. McKellar*, and *John M. Kline* for respondents. Reported below: 106 Mont. 322; 77 P. 2d 403.

NO. 118. PRINCESS LIDA OF THURN AND TAXIS ET AL. *v.* FITZGERALD ET AL. October 10, 1938. Petition for writ of certiorari to the Supreme Court of Pennsylvania granted. *Messrs. Charles H. Tuttle and Gerald J. Craugh* for petitioners. *Mr. Gerald Purcell Fitzgerald, pro se.* Reported below: 329 Pa. 497; 198 A. 58.

NO. 127. MACKAY RADIO & TELEGRAPH CO. *v.* RADIO CORPORATION OF AMERICA. October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Messrs. Samuel E. Darby, Jr., Hugh M. Morris, and Paul Kolisch* for petitioner. *Messrs. Abel E. Blackmar, Jr. and Jo. Baily Brown* for respondent. Reported below: 96 F. 2d 587.

NO. 154. UNITED STATES *v.* MCCLURE, ADMINISTRATRIX. October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted. *Solicitor General Jackson* for the United States. *Mr. Graham K. Betts* for respondent. Reported below: 95 F. 2d 744.

NO. 169. UNITED STATES *v.* PLEASANTS. October 10, 1938. Petition for writ of certiorari to the Court of Claims granted. *Solicitor General Jackson* for the United States. *Messrs. Frederick Schwertner and George H. Warrington* for respondent. Reported below: 86 Ct. Cls. 679; 22 F. Supp. 964.

NO. 180. HELVERING, COMMISSIONER OF INTERNAL REVENUE *v.* OWENS ET AL. October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Solicitor General Jackson* for petitioner. *Messrs. Ewing Everett and O. H. Chmillon* for respondents. Reported below: 95 F. 2d 318.

305 U.S.

Decisions Granting Certiorari.

No. 189. *LYON v. MUTUAL BENEFIT HEALTH & ACCIDENT ASSN.* October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit granted. *Mr. John W. Nance* for petitioner. *Mr. Thomas B. Pryor* for respondent. Reported below: 95 F. 2d 528.

No. 210. *PULLMAN COMPANY ET AL. v. JENKINS ET AL.* October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted. *Messrs. Robert Brennan, Leo E. Sievert, H. K. Lockwood, and Lawrence Livingston* for petitioners. *Mr. Rex Hardy* for respondents. Reported below: 96 F. 2d 405.

No. 222. *WASHINGTONIAN PUBLISHING CO. v. PEARSON ET AL.* October 10, 1938. Petition for writ of certiorari to the Court of Appeals for the District of Columbia granted. *Messrs. Gibbs L. Baker and Horace S. Whitman* for petitioner. *Messrs. Elisha Hanson and Eliot C. Lovett* for respondents. Reported below: 68 App. D. C. 373; 98 F. 2d 245.

No. 229. *NATIONAL LABOR RELATIONS BOARD v. COLUMBIAN ENAMELING & STAMPING Co.* October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted. *Solicitor General Jackson* and *Mr. Charles Fahy* for petitioner. *Mr. Earl F. Reed* for respondent. Reported below: 96 F. 2d 948.

No. 245. *UNITED STATES v. ALGOMA LUMBER Co.;*

No. 246. *SAME v. FOREST LUMBER Co.;* and

No. 247. *SAME v. LAMM LUMBER Co.* October 10, 1938. Petition for writs of certiorari to the Court of

Claims granted. *Acting Solicitor General Townsend* for the United States. *Messrs. Jesse Andrews, Carl D. Matz, and William S. Bennet* for respondents in Nos. 245 and 246. *Mr. Ralph H. Case* for respondent in No. 247. Reported below: 86 Ct. Cls. 226, 188, 171.

No. 275. *CURRIN ET AL. v. WALLACE, SECRETARY OF AGRICULTURE, ET AL.* October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit granted. *Mr. J. W. H. Roberts* for petitioners. *Solicitor General Jackson* for respondents. Reported below: 95 F. 2d 856.

No. 294. *TEXARKANA v. ARKANSAS LOUISIANA GAS Co.* October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted. *Mr. Benjamin E. Carter* for petitioner. *Messrs. Henry C. Walker, Jr., William C. Fitzhugh, and William H. Arnold, Jr.* for respondent. Reported below: 97 F. 2d 5.

No. 312. *TAYLOR ET AL. v. STANDARD GAS & ELECTRIC Co. ET AL.* October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit granted. *Mr. Jason L. Honigman* for petitioners. *Messrs. Nathan A. Gibson and Wilbur J. Holleman* for respondent Standard Gas & Electric Co. *Messrs. Geo. S. Ramsey and Villard Martin* for respondent Greis, Trustee. *Messrs. William P. Sidley and James F. Oates, Jr.* for respondent Deep Rock Oil Corp. Reported below: 96 F. 2d 693.

No. 63. *CONNECTICUT RAILWAY & LIGHTING Co. v. PALMER ET AL.* October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Second

305 U. S.

Decisions Granting Certiorari.

Circuit granted. MR. JUSTICE BRANDEIS took no part in the consideration and decision of this application. *Mr. George W. Martin* for petitioner. *Messrs. James Garfield and Hermon J. Wells* for respondents. Reported below: 95 F. 2d 483.

No. 304. *HELVERING, COMMISSIONER OF INTERNAL REVENUE, v. CHESTER N. WEAVER CO.* October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted. *Solicitor General Jackson* for petitioner. *Messrs. Adolphus E. Graupner and Arthur E. Cooley* for respondent. Reported below: 97 F. 2d 31.

No. 318. *OBICI ET AL. v. HELVERING, COMMISSIONER OF INTERNAL REVENUE.* October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit granted. *Messrs. Ewing Everett and O. H. Chmillon* for petitioners. *Solicitor General Jackson* for respondent. Reported below: 97 F. 2d 431.

Nos. 182 and 183. *FORD MOTOR CO. v. NATIONAL LABOR RELATIONS BOARD.* October 10, 1938. Petition for writs of certiorari to the Circuit Court of Appeals for the Sixth Circuit granted. *Messrs. Frederick H. Wood, Louis J. Columbo, and Alfred McCormick* for petitioner. *Solicitor General Jackson*, and *Messrs. A. H. Feller, Charles Fahy, and Robert B. Watts* for respondent. Reported below: 99 F. 2d 1003, 1009.

No. 188. *TITUS v. WALLICK.* October 10, 1938. Petition for writ of certiorari to the Supreme Court of Ohio granted. Motion to print an abbreviated record, consisting of the parts of the record filed in this cause which

are designated in the motion, granted, with leave to the respondent to submit to the Court a motion designating any additional portions of the record which he desires to have printed and the Court will take this motion under advisement. *Messrs. Aaron Frank and Thomas I. Sheridan* for petitioner. *Mr. Rolland M. Edmonds* for respondent. Reported below: 133 Ohio St. 612; 15 N. E. 2d 140.

No. 195. *SOCONY-VACUUM OIL Co. v. SMITH*. October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. MR. JUSTICE STONE and MR. JUSTICE ROBERTS took no part in the consideration and decision of this application. *Mr. Henry B. Potter* for petitioner. *Mr. Frederick R. Graves* for respondent. Reported below: 96 F. 2d 98.

No. 274. *NATIONAL LABOR RELATIONS BOARD v. SANDS MANUFACTURING Co.* October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit granted. *Acting Solicitor General Townsend* and *Mr. Charles Fahy* for petitioner. *Mr. Harrison B. McGraw* for respondent. Reported below: 96 F. 2d 721.

No. 277. *LOOMIS ET AL. v. FIRST FEDERAL SAVINGS & LOAN ASSN.* See *ante*, p. 564.

No. 142. *PIERRE v. LOUISIANA*. October 17, 1938. Petition for writ of certiorari to the Supreme Court of Louisiana, and motion for leave to proceed further *in forma pauperis*, granted. *Mr. Maurice R. Woulfe* for petitioner. No appearance for respondent. Reported below: 189 La. 764; 180 So. 630.

No. 249. *GOODMAN v. UNITED STATES*. October 17, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit, and motion for leave to proceed further *in forma pauperis*, granted. *Messrs. B. D. Oliensis and Patrick J. Friel* for petitioner. No appearance for the United States. Reported below: 97 F. 2d 197.

No. 314. *WICHITA ROYALTY CO. ET AL. v. CITY NATIONAL BANK ET AL.* October 17, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted. *Messrs. James T. Montgomery, Guy Rogers and Ray P. Bland* for petitioners. *Messrs. T. R. Boone and Leslie Humphrey* for respondents. Reported below: 95 F. 2d 671; 97 *id.* 249.

No. 330. *KESSLER, DISTRICT DIRECTOR OF IMMIGRATION AND NATURALIZATION, v. STRECKER*. October 17, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted. *Solicitor General Jackson* for petitioner. *Messrs. Whitney North Seymour, C. A. Stanfield, and Carol King* for respondent. Reported below: 95 F. 2d 976; 96 *id.* 1020.

No. 342. *LOWDEN ET AL., TRUSTEES, v. SIMONDS-SHIELDS-LONSDALE GRAIN CO.* October 17, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit granted. *Messrs. Charles M. Miller and Cyrus Crane* for petitioners. *Mr. Dupuy G. Warrick* for respondent. Reported below: 97 F. 2d 816.

No. 328. *HELVERING, COMMISSIONER OF INTERNAL REVENUE, v. R. J. REYNOLDS TOBACCO CO.* October 17, 1938.

Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit granted. MR. JUSTICE STONE took no part in the consideration and decision of this application. *Solicitor General Jackson* for petitioner. *Mr. J. G. Körner, Jr.*, for respondent. Reported below: 97 F. 2d 302.

No. 360. UNITED STATES *v.* TOWERY. October 24, 1938. Petition for writ or certiorari to the Circuit Court of Appeals for the Seventh Circuit granted. *Solicitor General Jackson* for the United States. *Mr. Edward H. S. Martin* for respondent. Reported below: 97 F. 2d 906.

No. 364. KEIFER ET AL. *v.* RECONSTRUCTION FINANCE CORP. ET AL. October 24, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit granted, limited to the first question presented in the petition. *Messrs. Ernest B. Perry and Robert Van Pelt* for petitioners. *Solicitor General Jackson* and *Messrs. Peyton R. Evans and C. J. Durr* for respondents. Reported below: 97 F. 2d 812.

No. 384. GUARANTY TRUST CO., TRUSTEE, *v.* HENWOOD, TRUSTEE, ET AL. November 7, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit granted. *Messrs. John W. Davis, Edwin S. S. Sunderland, and Ralph M. Carson* for petitioner. *Messrs. A. H. Kiskaddon, Carleton S. Hadley, Ben C. Dey, and George L. Buland* for respondents. Reported below: 98 F. 2d 160.

No. 391. UNITED STATES *v.* JACOBS, EXECUTRIX. November 7, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted.

305 U.S.

Decisions Granting Certiorari.

Solicitor General Jackson for petitioner. *Messrs. Hugh W. McCulloch* and *Frank H. McCulloch* for respondent. Reported below: 97 F. 2d 784.

No. 385. *FIRST CHROLD CORPORATION v. COMMISSIONER OF INTERNAL REVENUE*. November 7, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit granted. *Messrs. John E. McClure* and *Robert N. Miller* for petitioner. *Solicitor General Jackson* for respondent. Reported below: 97 F. 2d 22.

No. 417. *SAXE v. SHEA, ADMINISTRATOR*. November 14, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Mr. Thomas D. Thacher* for petitioner. *Solicitor General Jackson, Assistant Attorney General Morris*, and *Messrs. J. Louis Monarch, Berryman Green, and Warner W. Gardner* for respondent. By leave of Court, *Messrs. John J. Bennett, Jr.*, Attorney General of New York, and *Henry Epstein, Solicitor General*, filed a brief on behalf of that State, as *amicus curiae*, in support of the petitioner. Reported below: 98 F. 2d 83.

No. 372, October Term, 1937. *GRAVES ET AL. v. ELLIOTT ET AL.* See *post*, p. 667.

No. 426. *MILK CONTROL BOARD v. EISENBERG FARM PRODUCTS*. November 21, 1938. Petition for writ of certiorari to the Supreme Court of Pennsylvania granted. *Messrs. Guy K. Bard* and *Harry Polikoff* for petitioner. *Mr. Thomas D. Caldwell* for respondent. By leave of Court, *Messrs. John J. Bennett, Jr.*, Attorney General of New York, *Henry Epstein, Solicitor General, Milo R.*

Kniffen, and *Robert G. Blabey* filed a brief on behalf of the Commissioner of Agriculture and Markets of New York, as *amicus curiae*, in support of petitioner. Reported below: 332 Pa. 34; 200 A. 854.

No. 416. UNITED STATES *v.* BERTELSEN & PETERSEN ENGINEERING Co. November 21, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit granted. MR. JUSTICE REED took no part in the consideration and decision of this application. *Solicitor General Jackson* for the United States. *Mr. O. Walker Taylor* for respondent. Reported below: 95 F. 2d 867; 98 *id.* 132.

No. 436. NATIONAL LABOR RELATIONS BOARD *v.* FAN-STEEL METALLURGICAL CORP. November 21, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted. *Solicitor General Jackson* and *Mr. Charles Fahy* for petitioner. *Messrs. Benjamin V. Becker, Max Swiren, and Sidney H. Block* for respondent. Reported below: 98 F. 2d 375.

No. 437. UNITED STATES *v.* JAFFRAY ET AL. November 21, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit granted. MR. JUSTICE REED took no part in the consideration and decision of this application. *Solicitor General Jackson* for the United States. *Messrs. J. B. Faegre and Hayner N. Larson* for respondents. Reported below: 97 F. 2d 488.

No. 166. TOLEDO PRESSED STEEL CO. *v.* STANDARD PARTS, INC.; and

No. 167. SAME *v.* HUEBNER SUPPLY Co. See *post*, p. 667.

305 U. S.

Decisions Granting Certiorari.

No. 454. PERKINS, SECRETARY OF LABOR, ET AL. *v.* ELG;
and

No. 455. ELG *v.* PERKINS, SECRETARY OF LABOR, ET AL.
December 5, 1938. Petitions for writs of certiorari to the
Court of Appeals for the District of Columbia granted.
Solicitor General Jackson and *Mr. Green H. Hackworth*
for petitioners in No. 454 and respondents in No. 455.
Mr. Henry F. Butler for Elg. Reported below: 69 App.
D. C. 175; 99 F. 2d 408.

No. 441. ELECTRIC STORAGE BATTERY CO. *v.* SHIM-
ADZU ET AL. December 5, 1938. Petition for writ of cer-
tiorari to the Circuit Court of Appeals for the Third Cir-
cuit granted. *Messrs. Augustus B. Stoughton* and *Hugh*
M. Morris for petitioner. *Messrs. Edmund B. Whitcomb*
and *Geo. Whitefield Betts, Jr.* for respondents. Reported
below: 98 F. 2d 831.

No. 453. UNITED STATES TRUST CO., EXECUTOR, *v.*
COMMISSIONER OF INTERNAL REVENUE. December 5,
1938. Petition for writ of certiorari to the Circuit Court
of Appeals for the Second Circuit granted. *Mr. Wilder*
Goodwin for petitioner. *Solicitor General Jackson*, *As-*
stant Attorney General Morris, and *Mr. Sewall Key* and
Helen R. Carloss for respondent. Reported below: 98 F.
2d 734.

No. 460. LANE *v.* WILSON ET AL. December 12, 1938.
Petition for writ of certiorari to the Circuit Court of Ap-
peals for the Tenth Circuit granted. *Mr. Charles A.*
Chandler for petitioner. *Messrs. Joseph C. Stone* and
Charles A. Moon for respondents. Reported below: 98
F. 2d 980.

No. 466. HONOLULU OIL CORP. ET AL. *v.* HALLIBURTON
ET AL.; and

No. 479. *HALLIBURTON ET AL. v. HONOLULU OIL CORP. ET AL.* December 19, 1938. Petitions for writs of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted. *Messrs. A. W. Boyken and A. J. Hill* for Honolulu Oil Corp. et al. *Messrs. Frederick S. Lyon, Leonard S. Lyon, Henry S. Richmond, and William H. Davis* for Halliburton et al. Reported below: 98 F. 2d 436.

No. 478. *GRAVES ET AL. v. NEW YORK EX REL. O'KEEFE.* December 19, 1938. Petition for writ of certiorari to the Supreme Court of New York granted. *Messrs. John J. Bennett*, Attorney General of New York, *Henry Epstein*, Solicitor General, *Joseph M. Mesnig*, and *Austin Tobin* for petitioners. *Messrs. Daniel McNamara, Jr. and Ernest K. Neumann* for respondent. Reported below: 278 N. Y. 691; 253 App. Div. 91; 16 N. E. 2d 404; 1 N. Y. S. 2d 195.

No. 528. *UTAH FUEL CO. ET AL. v. NATIONAL BITUMINOUS COAL COMM'N ET AL.* See *ante*, p. 575.

No. 486. *HELVERING, COMMISSIONER OF INTERNAL REVENUE, v. METROPOLITAN EDISON Co.; and*

No. 487. *SAME v. PENNSYLVANIA WATER & POWER Co.* January 3, 1939. Petitions for writs of certiorari to the Circuit Court of Appeals for the Third Circuit granted. *Solicitor General Jackson* for petitioner. No appearance for respondents. Reported below: 98 F. 2d 807, 812.

No. 491. *STATE TAX COMMISSION ET AL. v. VAN COTT.* January 3, 1939. Petition for writ of certiorari to the Supreme Court of Utah granted. *Messrs. Irwin Arno-*

vitz, *Joseph Chez*, Attorney General of Utah, *John D. Rice*, and *Alfred Klein* for petitioners. *Mr. W. Q. Van Cott*, *pro se*. Reported below: 95 Utah 43; 79 P. 2d 6.

No. 482. DIMOCK, EXECUTOR, *v.* CORWIN, LATE COLLECTOR OF INTERNAL REVENUE. January 3, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. MR. JUSTICE STONE took no part in the consideration and decision of this application. *Messrs. E. J. Dimock* and *J. D. Rawlings* for petitioner. *Solicitor General Jackson*, *Assistant Attorney General Morris*, and *Messrs. Sewall Key*, *J. Louis Monarch*, and *Edward J. Ennis* for respondent. Reported below: 99 F. 2d 799.

Nos. 492 and 493. GENERAL GAS & ELECTRIC CORP. *v.* COMMISSIONER OF INTERNAL REVENUE. January 3, 1939. Petition for writs of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Messrs. Maurice Bower Saul* and *Francis J. Sweeney* for petitioner. *Solicitor General Jackson* for respondent. Reported below: 98 F. 2d 561.

No. 325. PALMER ET AL., TRUSTEES *v.* PALMER ET AL., TRUSTEES. See *ante*, p. 578.

No. 508. FEDERAL POWER COMMISSION *v.* PACIFIC POWER & LIGHT CO. ET AL. January 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted. *Solicitor General Jackson* and *Mr. William C. Koplovitz* for petitioner. *Messrs. A. J. G. Priest*, *Sidman I. Barber*, and *Henry S. Gray* for respondents. Reported below: 98 F. 2d 835.

No. 514. NATIONAL LABOR RELATIONS BOARD *v.* FAINBLATT ET AL. January 9, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted. *Solicitor General Jackson* and *Mr. Charles Fahy* for petitioner. *Messrs. Leon Gerofsky, T. Girard Wharton, and Joseph Halpern* for respondents. Reported below: 98 F. 2d 615.

No. 65. FAIRBANKS *v.* UNITED STATES. See *post*, p. 667.

No. 495. CHEMICAL BANK & TRUST CO., TRUSTEE, *v.* HENWOOD, TRUSTEE, ET AL. January 16, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit granted. *Mr. Alfred H. Phillips* for petitioner. *Messrs. A. H. Kiskaddon and Carleton S. Hadley* for respondents. Reported below: 98 F. 2d 179.

No. 590. BETHLEHEM STEEL CO. *v.* ZURICH GENERAL ACCIDENT & LIABILITY INSURANCE CO. January 16, 1939. Petition for writ of certiorari to the Supreme Court of New York granted. MR. JUSTICE BLACK took no part in the consideration and decision of this application. *Messrs. Frederick H. Wood and Wm. D. Whitney* for petitioner. *Messrs. Nathan L. Miller, W. W. Miller, and Redmond F. Kernan, Jr.* for respondent. Reported below: 254 App. Div. 839, 840; 164 Misc. 498; 299 N. Y. S. 862.

No. 591. BETHLEHEM STEEL CO. *v.* ANGLO-CONTINENTALE TREUHAND, A. G., ET AL. January 16, 1939. Petition for writ of certiorari to the Supreme Court of New York granted. *Messrs. Frederick H. Wood and Wm.*

305 U. S.

Decisions Denying Certiorari.

D. Whitney for petitioner. *Mr. Harry Hoffman* for respondents. Reported below: 254 App. Div. 844.

DECISIONS DENYING CERTIORARI, FROM OCTOBER 3, 1938, THROUGH JANUARY 16, 1939.

No. 21. *NEBLETT ET AL. v. CARPENTER, INSURANCE COMMISSIONER, ET AL.* See *ante*, p. 562.

No. 129. *DENSON v. BOARD OF COMMISSIONERS OF THE STATE BAR.* October 10, 1938. Petition for writ of certiorari to the Supreme Court of Alabama, and motion for leave to proceed further *in forma pauperis*, denied. MR. JUSTICE BLACK took no part in the consideration and decision of this application. *Mr. William Augustus Denson* for petitioner. *Mr. Benjamin F. Ray* for respondents. Reported below: 235 Ala. 313; 178 So. 434.

No. 109. *FLETCHER v. UNITED STATES.* October 10, 1938. Petition for writ of certiorari to the Court of Appeals for the District of Columbia, and motion for leave to proceed further *in forma pauperis*, denied. *Edmond G. Fletcher, pro se.* No appearance for the United States.

No. 117. *STORY v. RIVES.* October 10, 1938. Petition for writ of certiorari to the Court of Appeals for the District of Columbia, and motion for leave to proceed further *in forma pauperis*, denied. *Mr. James J. Laughlin* for petitioner. No appearance for respondent. Reported below: 68 App. D. C. 325; 97 F. 2d 182.

No. 170. *PFAFF v. UNITED STATES.* October 10, 1938. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit, and motion for leave to